

## **EXHIBIT L**

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 DR. SARI EDELMAN,

4 Plaintiff,

5 v. 21 Civ. 502 (LJL)

6 NYU LANGONE HEALTH SYSTEM, *et*  
7 *al.*,

8 Defendants.

Trial

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9 New York, N.Y.  
10 July 11, 2023  
9:00 a.m.

11 Before:

12 HON. LEWIS J. LIMAN,

13 District Judge  
14 -and a Jury-

15 APPEARANCES

16 MILMAN LABUDA LAW GROUP PLLC

Attorneys for Plaintiff

17 BY: JOSEPH M. LABUDA

EMANUEL S. KATAEV

18 TARTER KRINSKY & DROGIN LLP

Attorneys for Defendants

19 BY: RICHARD C. SCHOENSTEIN

20 RICHARD L. STEER

21 INGRID J. CARDONA

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1 started, I don't know the approximate time we had stayed there,  
2 but the new space that they were building in the 1999 space  
3 wasn't complete, so we were at the 1991 space probably for a  
4 year-plus.

5 Q. So you didn't have to -- there was no moving whatsoever.  
6 Did you even have to change keys?

7 A. No.

8 Q. No change, it was seamless?

9 A. Right.

10 Q. Friday you were working for your private practice, Monday  
11 you worked for NYU?

12 A. Yes. They came in and they changed the sign. So they  
13 changed it from Rheumatology Associates of New York and they  
14 put up the NYU Rheumatology sign in the front. And our  
15 electronic medical record was Epic at the time, which was the  
16 same electronic medical record as NYU, but we did have to  
17 switch over to their system. So that was changed over. They  
18 did send in some people for training, I believe, for a short  
19 period, but my staff was pretty much already trained on it.

20 Q. And above that in Section 3, it references "Benefits."  
21 What benefits did you have when you worked at NYU, other than  
22 let's say your compensation?

23 A. So we had an expense of \$3,000, which was for going to  
24 conferences or paying for societies. We had retirement  
25 benefits. So we had a match, they had a 10-percent match of

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1 your salary each year, which was not based on my contribution,  
2 they just -- they matched up to 10 percent. So if you were  
3 making \$200,000 a year, they put in \$20,000 for you. There was  
4 an additional pension fund that you could put money into. I  
5 think it was called a 403B. And then there was also the 401D  
6 that you could put in based on the maximal allowable, you know,  
7 what the government allowed each year, which changed, which  
8 could be \$18,000 or whatever it was.

9 Q. And I just want to clarify, the first retirement vehicle  
10 you were talking about, you mentioned matching. Did you have  
11 to put money into that retirement account or was that something  
12 that NYU put in solely?

13 A. I believe they matched it to what I put in. So if I put in  
14 the 20, they put in the other 20. So it was \$40,000 a year tax  
15 free.

16 Q. Let's go down to page 46.

17 MR. KATAEV: D46?

18 MR. LABUDA: D46, yes.

19 Q. You received an academic appointment at NYU; is that  
20 correct?

21 A. Yes.

22 Q. And what was your appointment?

23 A. It's an assistant professor of medicine.

24 Q. And you were a faculty member at the NYU School of  
25 Medicine; is that correct?

1 the first column — to November of 2019. It breaks it down by  
2 each visit or procedure. So the CPT code is just the code  
3 that's assigned for whatever the service is.

4 So the first one, like arthrocentesis of a small joint is a  
5 joint injection. Going down, each one is for an intermediate  
6 joint or like a larger joint or a major joint, which is an even  
7 bigger joint like a knee or a hip. There's, for other  
8 procedures like ganglion cysts and for things like vaccinations  
9 is on here. If you do an injection, like a steroid injection  
10 in the office or sometimes you can give other types of  
11 medication injections. There's for each of the visits, so  
12 there's different levels for new as well as established. So  
13 those are the codes that go down from 99203 down to 99245. And  
14 if you look out to the right, it tells you for each month how  
15 many you did, it tells you your average of each type of  
16 procedural code, and then it tells you on the end, the last  
17 column summarizes for each one what the value is.

18 Q. And this was provided to you each month by NYU while you  
19 worked there; is that right?

20 A. Yes.

21 Q. And that continued on until you stopped working in May of  
22 2021; is that right?

23 A. Yes. So what you'll see on this is that for each month on  
24 the summaries at the bottom, that my target RVU for my contract  
25 is -- I believe it's 4996. So each month, what I'm looking at

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1 Q. OK. And did these contract negotiations end in a  
2 successful contract; did you enter into a contract?

3 A. Yes.

4 MR. LABUDA: OK. I'd like you to look at exhibit 9  
5 and offer exhibit 9 into evidence.

6 THE COURT: Any objection?

7 MR. SCHOENSTEIN: No objection, your Honor.

8 THE COURT: Exhibit 9 is received. It may be  
9 published to the jury.

10 (Plaintiff's Exhibit 9 received in evidence)

11 BY MR. LABUDA:

12 Q. This is a letter, dated November 17, 2017, is that right?

13 A. Yes.

14 Q. And this contract -- if you turn to page D59, this contract  
15 is effective January 1, 2018, correct?

16 A. Yes.

17 Q. And the term of it is another three-year term, correct?

18 A. Yes.

19 Q. OK. So this contract would go through 2018, 2019 and 2020  
20 and expire on December 31, 2020, is that correct?

21 A. Yes.

22 Q. And in this contract, your mission is clinical and  
23 compensation of \$278,000, correct?

24 A. That's correct.

25 Q. And that was an increase from your last contract, correct?

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Edelman - Direct

1 you?

2 A. No. I had -- I had no assumption. There was nothing that  
3 was brought up at any of our rheumatology meetings about any of  
4 these transitions that would be taking place at this point in  
5 time.

6 Q. OK. So continue on. I'm sorry.

7 A. So, I had discussed with him at that point -- I said I need  
8 to really, you know, take a look at what you're asking of me,  
9 look at my contract with my attorneys and review it, because  
10 I'm a full-time rheumatologist, and my understanding, per my  
11 contract negotiations, is that I'm afforded full-time use of my  
12 office. I had concerns about having my space utilized on days  
13 when I was using my office on Fridays for administrative work,  
14 and I had concerns about my office being assigned to someone  
15 else when I was at the Huntington group on Thursdays.

16 I didn't get that far in the conversation. As soon as I  
17 expressed that this was something that I would have to review  
18 with my attorneys, Mr. Atonik's demeanor changed.

19 Q. OK. And how did it change?

20 A. He moved himself closer, and you could see by the picture  
21 of my desk, my desk wasn't that -- that big.

22 Q. Let me ask you, when you were having this conversation with  
23 Mr. Atonik, where are you and where was he?

24 A. I was sitting in my office chair, and he was sitting in one  
25 of the -- one of the striped chairs.

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1 Q. When were you planning on starting work down there?

2 A. Around July of 2021.

3 Q. Was that start date accelerated?

4 A. Yes.

5 Q. And what happened there?

6 A. The doctor that I was coming in to replace had left earlier  
7 on leave. So the physicians in the practice had called and  
8 urged if I could come sooner because they had a demand to have  
9 me there sooner.

10 Q. And when did you start there?

11 A. I started May 1st of 2021.

12 Q. And with respect to the new position down in Florida, when  
13 you started there, how much were you making?

14 A. \$300,000.

15 Q. And with respect to the retirement plans that they offered,  
16 what did they offer in terms of retirement plans?

17 A. You're asking Florida?

18 Q. Yes, in Florida. Sorry.

19 A. They didn't offer any retirement plan for my first year.

20 Q. And then after that, what was the retirement plan?

21 A. It was a typical 401K, there was no matching.

22 Q. So you could contribute into it?

23 A. Yes.

24 Q. For pretax dollars?

25 A. Yes.